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Putnam
C.P.

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-189250

DATE: January 18, 1978

**MATTER OF: Lorenzo N. Santos - Claim for replacement
of an allegedly lost check.**

**DIGEST: Lorenzo N. Santos seeks replacement of
allegedly lost check in sum of \$1,142,
representing unpaid salary for period
December 10, 1941, to June 13, 1945,
for services rendered as an employee
of Department of Navy in Philippine Islands
prior to and during World War II. Evidence
of record shows a check in same amount and
for same period paid by Navy to a Lorenzo
Santos on May 22, 1945. As check appears
to have been paid and claim not presented
to G.O until May 16, 1974, 31 U.S.C. § 122
bars payment.**

Mr. Lorenzo N. Santos appeals from Settlement Certificate No. Z-2554088, dated December 21, 1976, issued by our Claims Division, which disallowed his claim for replacement of an allegedly lost check in the amount of \$1,142, representing unpaid salary for the period December 10, 1941, to June 13, 1945.

The claimant states that he was employed by the United States Navy at Mariveles, Bataan, Philippine Islands, prior to the outbreak of World War II on December 7, 1941. He reports that when the Japanese air forces bombed his place of employment at Mariveles, the Federal employees who were working there were dispersed and remained in a missing status until the liberation of the Philippines in 1945. Mr. Santos also reports that he was carried on the rolls of the Department of the Navy while he was in a missing status in accordance with the provisions of the Missing Persons Act, as amended. He contends that upon separation, he was entitled to receive unpaid salary for the period he was in a missing status, and he claims that he has not received that salary. He alleges that the check in question was erroneously paid to another person.

The records of the National Personnel Records Center, United States General Services Administration, 111 Winnebago Street, St. Louis, Missouri 63118, disclose that one Lorenzo Santos was

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employed as a laborer, badge number 013171, at the United States Navy Yard, Cavite, Philippine Islands, from December 10, 1941, to February 28, 1945. At the time of his separation he was entitled to pay in the amount of \$1,142 for the period December 10, 1941, to June 13, 1945, under the provisions of the Missing Persons Act based upon the aforesaid period of service, which included service credit for the annual leave and sick leave which had accrued in his leave account. His address was Bacon, Cavite, Philippine Islands. The files of the Records Center further show that check number 2311 in the sum of \$1,142 for the period December 10, 1941, to June 13, 1945, was paid on May 22, 1945, to a Lorenzo Santos, previously identified, and that the disbursing officer was G. F. Brewton, symbol 56,708.

The claim of Mr. Lorenzo N. Santos, the claimant in this action, for replacement of the allegedly lost check, was initially received in the General Accounting Office on May 16, 1974. Section 122 of title 31, United States Code, provides, in pertinent part, as follows:

"§ 122. Claims on paid checks and warrants; limitations.

"Hereafter all claims on account of any check, checks, warrant, or warrants appearing from the records of the General Accounting Office or the Treasury Department to have been paid, shall be barred if not presented to the General Accounting Office or the Treasurer of the United States within six years after the date of issuance of the check, checks, warrant, or warrants involved. * * *"

Based upon the evidence of record, the check in question was paid to a Lorenzo Santos on May 22, 1945. Since the records show that the check was paid and that no claim thereon was presented within 6 years after the date of issuance, the statute quoted above bars all claims on account of this check. Accordingly, this Office is barred from taking favorable action on the claim and we need not consider the claimant's allegation that the check was erroneously paid to another person.

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In light of the foregoing, the Settlement Certificate of December 21, 1976, issued by our Claims Division, which disallowed the claim of Mr. Lorenzo N. Santos for replacement of the allegedly lost check, is sustained.

Paul B. Stuebli
For The Comptroller General
of the United States